

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANNY M. COSTON,  
Petitioner,

v.

JOSIE GASTELO, Warden,  
Respondent.

Case No. 21-00911 BLF (PR)

**ORDER OF TRANSFER**

Petitioner, a state prisoner at the California State Prison (“CSP”) in San Luis Obispo, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging the latest denial of parole.<sup>1</sup> Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction or sentencing. *See* Habeas L.R. 2254-3(b)(1); *Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). But if the petition challenges the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See* Habeas L.R. 2254-3(b)(2); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). Here,

---


<sup>1</sup> This matter was reassigned to this Court on March 19, 2021. Dkt. Nos. 6, 7.

1 Petitioner is currently confined at CSP in San Luis Obispo, which lies within the venue of  
2 the Western Division of the Central District of California. *See* 28 U.S.C. § 84(c).  
3 Therefore, venue properly lies in that district and not in this one. *See* 28 U.S.C. § 1391(b).  
4 Accordingly, this case is TRANSFERRED to the United States District Court for the  
5 Western Division of the Central District of California. *See* 28 U.S.C. § 1406(a).

6 The Clerk shall terminate all pending motions and transfer the entire file to the  
7 Central District of California.

8 **IT IS SO ORDERED.**

9 **Dated: \_\_June 22, 2021\_\_**

  
BETH LABSON FREEMAN  
United States District Judge